

² 5 U.S.C. § 8101 *et seq.*

ISSUE

The issue is whether appellant has met her burden of proof to establish a traumatic injury in the performance of duty on January 2, 2018, as alleged.

FACTUAL HISTORY

On January 9, 2018 appellant, then a 45-year-old tractor trailer operator, filed a traumatic injury claim (Form CA-1) alleging that on January 2, 2018 she experienced stress, excessive coughing, over-exertion, and loss of vigor when her tractor trailer broke down and she was unable to haul mail while in the performance of duty.

In a September 7, 2018 development letter, OWCP advised appellant of the deficiencies of her claim. It requested additional factual and medical evidence from her, and provided a questionnaire for her completion. OWCP afforded appellant 30 days to respond. No response was received.

By decision dated October 11, 2018, OWCP denied appellant's claim. It found that she failed to provide factual or medical evidence in support of her claim.

LEGAL PRECEDENT

An employee seeking benefits under FECA³ has the burden of proof to establish the essential elements of his or her claim including the fact that the individual is an employee of the United States within the meaning of FECA, that the claim was filed within the applicable time limitation of FECA, that an injury was sustained in the performance of duty as alleged, and that any disability or specific condition for which compensation is claimed is causally related to the employment injury. These are the essential elements of each and every compensation claim regardless of whether the claim is predicated upon a traumatic injury or an occupational disease.⁴

To determine whether a federal employee has sustained a traumatic injury in the performance of duty, it first must be determined whether fact of injury has been established. There are two components involved in establishing fact of injury. First, the employee must submit sufficient evidence to establish that he or she actually experienced the employment incident at the time, place, and in the manner alleged. Second, the employee must submit medical evidence to establish that the employment incident caused a personal injury.⁵

³ *Supra* note 2.

⁴ *A.D.*, Docket No. 17-1855 (issued February 26, 2018); *Gary J. Watling*, 52 ECAB 357 (2001).

⁵ *A.D., id.; T.H.*, 59 ECAB 388 (2008).

ANALYSIS

The Board finds that appellant has not met her burden of proof to establish a traumatic injury in the performance of duty on January 2, 2018, as alleged.

Appellant has not adequately described the circumstances of her alleged injury, including how the failure of her tractor trailer to operate on January 2, 2018 caused her conditions. To establish that an injury occurred at the time, place, and in the manner alleged, it is appellant's burden to clearly describe the mechanism of injury.⁶

By development letter dated September 7, 2018, OWCP requested that appellant respond to its questionnaire and provide detailed information describing the alleged employment incident she believed contributed to her alleged conditions. However, the record before the Board indicates that she did not complete and return the questionnaire, nor did she provide a statement describing the alleged employment-related incident.⁷ In addition, the record is devoid of medical evidence containing a history of injury or a medical diagnosis due to the alleged January 2, 2018 incident.

The Board thus finds that appellant has not met her burden of proof. As appellant has not established the factual aspect of her claim, the medical evidence regarding causal relationship need not be addressed.⁸

Appellant may submit new evidence or argument with a written request for reconsideration to OWCP within one year of this merit decision, pursuant to 5 U.S.C. § 8128(a) and 20 C.F.R. §§ 10.605 through 10.607.

CONCLUSION

The Board finds that appellant has not met her burden of proof to establish a traumatic injury in the performance of duty on January 2, 2018, as alleged.

⁶ *S.W.*, Docket No. 18-1653 (issued March 12, 2019); *C.B.*, Docket No. 08-1583 (issued December 9, 2008); *D.G.*, 59 ECAB 734 (2008); *Bonnie A. Contreras*, 57 ECAB 364 (2006).

⁷ *S.W.*, *id.*; *D.C.*, Docket No. 18-0082 (issued July 12, 2018).

⁸ *See V.F.*, 58 ECAB 321, 327 (2007).

ORDER

IT IS HEREBY ORDERED THAT the October 11, 2018 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: July 2, 2019
Washington, DC

Patricia H. Fitzgerald, Deputy Chief Judge
Employees' Compensation Appeals Board

Janice B. Askin, Judge
Employees' Compensation Appeals Board

Alec J. Koromilas, Alternate Judge
Employees' Compensation Appeals Board